The Minutes

April 26, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Butz, Associate Justice; and Guzman, bailiff.

C043879 LUCIANO v. COMMISSION ON TEACHER CREDENTIALING

Cause called. Leslie P. McElroy, Deputy Attorney General, appeared for appellant. Michael Rothschild appeared for respondent. A stipulation was filed by the parties. Certificate will be issued to respondent. Appellant will pay respondent the sum of \$788.64 for costs incurred. Respondent hereby waives any and all claims to attorney fees.

At 9:36 a.m., the court recessed. At 9:41 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C042544 LEVIN et al. v. BARNER et al.

Cause called. William M. Simpich argued for appellants. John Hagar argued and Michael A. Ralston, Deputy County Counsel appeared only for respondents. Cause submitted.

At 10:05 a.m., the court recessed until 9:30 a.m., Tuesday, April 27, 2004.

C040811 THE PEOPLE v. ROSS

(Not for Publication)

The matter is remanded to the trial court for a determination of the appropriate custody credits and imposition of the mandatory laboratory analysis fee... In all other respects, the judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Davis. J.

C042117 THE PEOPLE v. IRVING

(Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Nicholson, Acting P.J.

Morrison, J.

C043648 THE PEOPLE v. RODRIGUEZ

(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Davis, Acting P.J.

Nicholson, J.

The Minutes

April 26, 2004, continued

C043876 THE PEOPLE v. BOWDEN (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Raye, J.

C044615 THE PEOPLE v. STROTHER (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Robie, J.

C043832 FINANCIAL PACIFIC INSURANCE COMPANY v. SILVA

(Not for Publication)

The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. We award costs on appeal to Financial Pacific. (Cal. Rules of Court, rule 27.)

NICHOLSON, Acting P.J.

We concur: Raye, J.

Robie, J.

C044678 PREHEIM et al. v. COUNTY OF SHASTA et al.

(Not for Publication)

The judgment is affirmed. The County shall recover its costs on appeal.

(Cal. Rules of Court, rule 27(a).)

BUTZ, J.

We concur: Nicholson, Acting P.J.

Morrison, J.

C041868 In re VICTOR H.; THE PEOPLE v. VICTOR H.

(Not for Publication)

The jurisdictional order is modified... The juvenile court shall prepare a minute order reflecting these changes and forward a certified copy to the California Youth Authority. In all other aspects, the judgment (order committing the minor to the California Youth Authority) is affirmed.

HULL, J.

We concur: Nicholson, Acting P.J.

Raye, J.

The Minutes

April 26, 2004, continued

C043152 THE PEOPLE v. SUMAHIT

BY THE COURT:

This court's order filed April 23, 2004, denying appellant's petition for rehearing is vacated.

Appellant's petition for rehearing is granted. The decision filed on March 29, 2004, is vacated.

SIMS, Acting P.J.

April 27, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Guzman, bailiff.

C045684 In re JACKIE DON WHITE on Habeas Corpus

Order to Show Cause hearing held. Continued from 04/27/04. Witnesses called, sworn in and heard. Exhibits w-gg entered into evidence. Court takes judicial notice of C034372. In open court Order to Show Cause served on Mr. Dangler for C046271. Mr. Dangler to appear on 5/26/04 at 9:30 a.m. Mr. Dangler to provide this court with settlement proposal. Matter continued to 5/26/04 at 9:30 a.m.

At 1:23 p.m., the court recessed until 9:30 a.m., Monday, May 17, 2004.

C043463 THE PEOPLE v. MOORE (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Morrison, J.

C044214 THE PEOPLE v. PULLEY (Not for Publication)

The judgment is modified... The superior court shall issue a modified abstract of judgment reflecting these changes and forward a certified copy to the Department of Corrections. In all other aspects, the judgment is affirmed.

ROBIE, J.

We concur: Davis, Acting P.J.

Butz, J.

The Minutes

April 27, 2004, continued

C044286 THE PEOPLE v. LARUE (Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as noted in the opinion, and to forward a certified copy of the amended abstract to the Department of Corrections.

SIMS, J.

We concur: Scotland, P.J.

Raye, J.

C044575 THE PEOPLE v. MATHERS (Not for Publication)

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that defendant was sentenced as a two-strike offender (item 4), and to forward a certified copy of the amended abstract to the Department of Corrections.

BUTZ, J.

I concur: Morrison, J.

I concur in the result.

BLEASE, Acting P.J.

C044601 THE PEOPLE v. LOPEZ (Not for Publication)

The order appealed from is affirmed.

Blease, Acting P.J.

We concur: Morrison, J.

Butz. J.

C045510 THE PEOPLE v. ANDERSON (Not for Publication)

The judgment is affirmed.

SIMS. J.

We concur: Scotland, P.J.

Rave, J.

C042359 GAMBETTI et al. v. VALENTINE et al. (Not for Publication)

The judgment is affirmed. Costs on appeal are awarded to defendants.

(Cal. Rules of Court, rule 27(a).)

BUTZ, J.

We concur: Davis, Acting P.J.

Morrison, J.

The Minutes

April 27, 2004, continued

C043532 MIKEL v. KERR MANUFACTURING COMPANY

(Not for Publication)

The judgment in favor of Kerr is affirmed. The appeal has been dismissed as to Severen.

DAVIS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

C043618 MOHR v. MOHR

(Not for Publication)

The judgment is reversed to the extent it awards \$5.71 to Cordell on the third cause of action. In all other respects, the judgment is affirmed. Each party shall pay his own costs on appeal.

DAVIS, Acting P.J.

We concur: Morrison, J.

Hull, J.

C044885 GETZ, as Trustee, etc. et al. v. MERCEDES-BENZ OF BAKERSFIELD (Not for Publication)

The judgment is reversed with respect to plaintiffs' cause of action for negligence. In all other respects, the judgment is affirmed. Plaintiffs shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)

SCOTLAND, P.J.

We concur: Sims, J.

Davis, J.

C044264 In re ROBERT S., JR.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ROBERT S., SR.

(Not for Publication)

The orders of the juvenile court are affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Morrison, J.

C041604 THE PEOPLE v. MYSIN

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

The Minutes

April 27, 2004, continued

C042493 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF C043377 SACRAMENTO et al. (Certified for Publication)

THE COURT:

The opinion in the above-entitled matter filed on March 30, 2004, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered. (CERTIFIED FOR PUBLICATION.)

FOR THE COURT:

SCOTLAND, P.J. SIMS, J. DAVIS, J.

April 28, 2004

MISC. ORDER 2004-04

By The Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of Presiding Justice from the court on May 3, 2004, and from May 6, 2004 through May 18, 2004 or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C043776 THE PEOPLE v. WILLIAMS

(Not for Publication)

The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and further reflecting that defendant accrued 1,367 days of presentence credit as of April 3, 2003, when sentencing concluded. The court shall forward a certified copy to the Department of Corrections.

MORRISON, J.

We concur: Scotland, P.J.

Butz, J.

C044495 THE PEOPLE v. DeLONG

(Not for Publication)

The judgment is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion.

RAYE, J.

We concur: Blease, Acting P.J.

Robie, J.

The Minutes

April 28, 2004, continued

C044634 THE PEOPLE v. ALEXANDER

(Not for Publication)

The trial court is ordered to correct the written probation order to accurately reflect the probation conditions imposed:... In all other respects, the judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Sims. J.

C045077 THE PEOPLE v. FELTON

(Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.

Butz, J.

C041904 C042783 **CRANE v. CRANE**

CRANE V. CRANE

The assignment of the line of credit debt to Richard and the credit card debt to Joan is reversed... In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)

MORRISON, J.

We concur: Sims, Acting P.J.

Butz, J.

C042378 WETZEL v. GETZ

(Not for Publication)

(Not for Publication)

The judgment is reversed and the matter remanded to the trial court with directions to enter a new order denying defendant's motion for summary judgment. Plaintiff is awarded costs on appeal.

HULL, J.

We concur: Davis, Acting P.J.

Morrison, J.

C043999

WESTWOOD GREYHAWK, LTD. v. U.S. BANK NATIONAL ASSOCIATION et al. (Not for Publication)

The judgment is affirmed.

MORRISON, Acting P.J.

We concur: Hull, J.

Butz, J.

The Minutes

April 28, 2004, continued

In re M.J.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. T.J. (Not for Publication)

The orders of the juvenile court are affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.

Butz, J.

April 29, 2004

C042769 THE PEOPLE v. ARATA (Not for Publication)

The judgment is modified... As modified herein, the judgment is affirmed. The trial court shall enter an amended abstract of judgment reflecting the recalculated custody credits and the reduced restitution fines and forward a certified copy of the same to the Department of Corrections. (CERTIFIED FOR PARTIAL PUBLICATION.)

NICHOLSON, J.

We concur: Sims, Acting P.J.

Butz, J.

C043113 LEE v. STATE OF CALIFORNIA (Not for Publication)

The judgment is affirmed. Appellant shall pay respondent's costs of this appeal.

MORRISON, J.

We concur: Nicholson, Acting P.J.

Butz, J.

C042918 WANLAND, JR. et al. v. LAW OFFICES OF MASTAGNI, HOLSTEDT & CHIURAZZI et al. (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein March 30, 2004, be modified...

There is no change in the judgment.

FOR THE COURT:

SIMS, Acting P.J.

DAVIS, J. HULL, J.

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April 30, 2004

C041008 THE PEOPLE v. HARRIS (Not for Publication)

The judgment is affirmed.

MORRISON, J.

I concur: Nicholson, Acting P.J.

I concur, but as to part III, I concur in the result.

Robie, J.

C043692 THE PEOPLE v. BROWN (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Sims, J.

C042624 HANNES v. PECHNER (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Scotland, P.J.

Raye, J.

C043880 SMITH et al. v. STRATTON et al. (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Hull, J.